

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DUANE EDWARD FIELDER,

Plaintiff

Case No. 3:20-cv-00476-MMD-WGC

**ORDER**

v.

R.N. REBECCA, *et al.*,

Defendants

**I. DISCUSSION**

On August 21, 2020, Plaintiff, an inmate in the custody of the Washoe County Detention Center ("WCDC"), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's application to proceed *in forma pauperis* is incomplete. Plaintiff has not submitted an inmate account statement for the previous six-month period. If Plaintiff has not been at the WCDC facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period.** If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present

1 at the facility.

2 Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*  
3 (ECF No. 1) without prejudice because the application is incomplete. The Court will grant  
4 Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma*  
5 *pauperis* containing all three of the required documents. Plaintiff will file a fully complete  
6 application to proceed *in forma pauperis* on or before **October 26, 2020**. Absent unusual  
7 circumstances, the Court will not grant any further extensions of time. If Plaintiff does not  
8 file a fully complete application to proceed *in forma pauperis* with all three required  
9 documents on or before **October 26, 2020**, the Court will dismiss this case without  
10 prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to acquire all  
11 three of the documents needed to file a fully complete application to proceed *in forma*  
12 *pauperis* or pays the full \$400 filing fee.

13 A dismissal without prejudice means Plaintiff does not give up the right to refile the  
14 case with the Court, under a new case number, when Plaintiff has all three documents  
15 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff  
16 may choose not to file an application to proceed *in forma pauperis* and instead pay the  
17 full filing fee of \$400 on or before **October 26, 2020** to proceed with this case.

18 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court  
19 will not file the complaint unless and until Plaintiff timely files a fully complete application  
20 to proceed *in forma pauperis* with all three documents or pays the full \$400 filing fee.

## 21 **II. CONCLUSION**

22 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed  
23 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete  
24 application to proceed *in forma pauperis* with all three documents.

25 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the  
26 approved form application to proceed *in forma pauperis* by an inmate, as well as the  
27 document entitled information and instructions for filing an *in forma pauperis* application.

28 IT IS FURTHER ORDERED that on or before **October 26, 2020**, Plaintiff will either

1 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50  
2 administrative fee) or file with the Court:

3 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
4 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
5 signatures on page 3),

6 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
7 official (i.e. page 4 of this Court's approved form), and

8 (3) a copy of the **inmate's prison or jail trust fund account statement for the**  
9 **previous six-month period**. If Plaintiff has not been at the facility a full six-month period,  
10 Plaintiff must still submit an inmate account statement for the dates he has been present  
11 at the facility.

12 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
13 application to proceed *in forma pauperis* with all three documents or pay the full \$400  
14 filing fee for a civil action on or before **October 26, 2020**, the Court will dismiss this action  
15 without prejudice for Plaintiff to refile the case with the Court, under a new case number,  
16 when Plaintiff has all three documents needed to file a complete application to proceed  
17 *in forma pauperis* or pays the the full \$400 filing fee.

18 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
19 (ECF No.1-1) but will not file it at this time.

20 DATED: August 25, 2020

21 Walter G. Cobb  
22 UNITED STATES MAGISTRATE JUDGE  
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